



**TOWN BOARD  
TOWN OF OSSINING  
BIRDSALL-FAGAN POLICE/COURT FACILITY  
86-88 SPRING STREET  
OSSINING, NEW YORK**

**JUNE 28, 2011  
7:30 P.M.**

**SUPERVISOR  
Catherine Borgia**

**COUNCILMEMBERS**

**Geoffrey Harter    Michael L. Tawil  
Peter Tripodi     Northern Wilcher**

**I.    CALL TO ORDER – PLEDGE OF ALLEGIANCE – ROLL CALL**

The Regular Meeting of the Town Board of the Town of Ossining was held on June 28, 2011 in the Police/Court Facility, 86-88 Spring Street in Ossining. The meeting was called to order at 7:30 p.m. by Supervisor Catherine Borgia. Members of the Board present were: Councilmembers Geoffrey Harter, Michael Tawil, Northern Wilcher and Peter Tripodi. Also present were Town Attorney Wayne Spector and Town Clerk Mary Ann Roberts.

**II.    Presentation by Cathy Varano, Vice President of Residential Services, Cardinal McCloskey Services**

Town Clerk Roberts introduced Ms. Varano and requested that she come to the podium for her presentation. The agency is looking to purchase a home in Ossining to house four 21 year old autistic individuals. There are two young men and two young women who with the assistance of their families are attempting to provide a safe environment for them. The staff is highly trained with the majority of them with college degrees. This is a Pilot Program utilizing ABA which is a most effective program. The staff is intensively screened with their driving records checked and periodic updates are received. They are taught to shop, cook and be a good neighbor. They are always accompanied by a staff member. The driveway is wide and will cause no extra traffic as the shift change is staggered to cut down on traffic. They are good considerate neighbors and would like to move into a quiet neighborhood. The home is fenced in and will require no structural changes. It is a raised ranch. The fire alarm will be changed to include a sprinkler system.

Beth Finnerty stated that the facility has been in existence since 1946. It began in White Plains in 1946 but closed in 1980. They operate on a \$60 million budget. They operate 14 homes including Haydon House. This is a very important project to the families who have worked with us to make it a success.

Councilman Harter needed clarification on the use of 4 bedrooms with 4 residents. How does that accommodate the staff? How do you plan on using the parking facility? Where are you in the process at this time?

The staff is awake at all times and work on a shift basis. The driveway is a double size which will accommodate 2 cars across and a 2 car deep garage. The shifts are scattered at 6, 8 and 10 hour shifts.

The ABA staff is taught how to teach the students by breaking down tasks. There is a reward for positive behavior. We hope to have a signed contract soon with a proposed 45 day closing. The staff for this location has already been hired and we hope to be up and running by September 30<sup>th</sup>.

Councilman Harter questioned whether there has been any conversation with the neighbors? Have you checked out the house during rain?

No we have not contacted the neighbor as of yet. Once the contract has been signed, we will contact the Town as well as the neighbors of our plans. We did have an inspection of the home for such things.

### III. ANNOUNCEMENTS

Supervisor Borgia announced that fireworks will be held on July 1 at the Louis Engel Park with music at 7 p.m. and the fireworks at 9:15 p.m. The Mary Sawyer Garden Award will be given out that evening as well.

Councilman Harter recommended that you get there early and park high and then walk down to the park.

### IV. PUBLIC COMMENT ON AGENDA ITEMS

### V. BOARD RESOLUTIONS

#### A. Approval of Minutes

Councilmember Harter moved and it was seconded by Councilmember Tawil that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the June 14, 2011 Minutes of the Regular Meeting as presented.

Motion Carried: Unanimously

#### B. Approval of Voucher Detail Report

Councilmember Wilcher moved and it was seconded by Councilmember Tawil that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby approves the Voucher Detail Report dated June 28, 2011 in the amount of \$549,871.72 for 2011.

Councilman Tripodi pointed out that the Planning Consultant is receiving \$19,000 and understands that some of the monies are in escrow. However, Councilman Tripodi would like to formally discuss looking into merging our Planning/Building Departments with the Village's Planning/Building Departments at the next Town's Work Session on July 5<sup>th</sup>.

Councilman Tawil added that we are actively discussing this topic with the Village.

Supervisor Borgia agrees that this should be discussed at the next work session to provide everyone with updates.

Vote: 4-0-1

Voting Aye: Tawil, Harter,  
Wilcher & Borgia

Nay: Tripodi

#### C. Personnel-Parks Department-Seasonal Appointment

Councilmember Tawil moved and it was seconded by Councilmember Harter that the following be approved:

Resolved, that the Town Board of the Town of Ossining hereby appoints Ramel Dubois, Elmsford, to the seasonal position of Laborer in the Parks Department effective June 27, 2011 at \$7.50/hr.

Vote: 4-0-1

Voting Aye: Tawil, Harter,  
Wilcher & Borgia  
Nay: Tripodi

**D. Authorization to sign stipulation with the Teamsters regarding unused vacation days**

Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the following be approved:

WHEREAS, the Town of Ossining ("the Town"), and Local 456 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO (the "Union") are parties to a collective bargaining agreement covering the period January 1, 2007 – December 31, 2011 ("the Contract"); and,

WHEREAS, Article X(3) of the Contract provides that vacation must be taken by no later than May 15 of the year following the year of entitlement; and

WHEREAS, Mr. Albert Rivera, Working Foreman – Parks, has been unable to utilize all of his vacation from 2010 by May 15, 2011 because of his workload; and

WHEREAS, the Town and the Union have agreed to a one-time exception to the proscriptions of Article X(3) that vacation must be utilized by May 15 of the year following the year of entitlement; therefore be it

Resolved that the Town Board of the Town of Ossining authorizes the Supervisor to sign, upon approval of the Town Attorney, a Stipulation of Agreement between the Town, and the Teamsters & Chauffeurs Union Local No.456. allowing that, for a one-time, non-precedent setting basis, Mr. Albert Rivera shall be permitted to utilize his accrued and unused vacation leave from 2010 provided that he utilizes such vacation leave by no later than November 30, 2011. If he fails to utilize his 2010 vacation leave by November 30, 2011, it shall be forfeited. This Stipulation shall not establish a precedent with regard to how similar situations may be handled in the future and neither party hereto shall use, introduce or make reference to this Stipulation during any subsequent action, proceeding, arbitration or improper practice proceeding except to enforce the terms of this Stipulation.

Vote: 4-0-1  
Voting Aye: Tawil, Harter,  
Wilcher & Borgia  
Nay: Tripodi

**E. Authorization to sign a stipulation with the Teamsters regarding donation of sick, vacation and personal days**

Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the following be approved:

WHEREAS, the Town of Ossining ("the Town"), and Local 456 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO (the "Union") are parties to a collective bargaining agreement covering the period January 1, 2007 – December 31, 2011 ("the Contract"); and,

WHEREAS, Ms. Josette Polzella presently serves in the civil service title of Tax Assessor and is not a member of the bargaining unit to which the Contract applies; and

WHEREAS, Ms. Polzella is presently absent from work for serious medical reasons and is about to exhaust all of her accrued and unused sick, vacation and personal leave; and

**WHEREAS, one or more members of the bargaining unit have volunteered to donate some of their accrued and unused leave time to Ms. Polzella during her present absence in order to permit her to continue to be paid during the continuation of her absence; and**

**WHEREAS, the Town and the Union have agreed to permit such donations to be made to Ms. Polzella without setting a precedent for the future; now therefore be it**

**Resolved that the Town Board of the Town of Ossining authorizes the Supervisor to sign, upon approval of the Town Attorney, a stipulation that states that notwithstanding the provisions of the Contract, the Town and the Union agree that on a one-time, non-precedent setting basis, members of the bargaining unit may donate accrued and unused sick, vacation, or personal days to Ms. Polzella for her immediate use exclusively during her current absence**

**Motion Carried: Unanimously**

**F. Authorization for property tax payment plan**

**Councilmember Harter moved and it was seconded by Councilmember Tawil that the following be approved:**

**Whereas, certain property taxes have not been paid on the parcel located at 9-09 Nicole Circle resulting in commencement of In Rem foreclosure proceedings, and the property owner has requested a payment plan for outstanding taxes due on the property; and**

**Whereas, the Town Board desires to allow the property owner an opportunity to pay for all outstanding taxes by authorizing the Receiver of Taxes to institute a payment plan with the property owner; now therefore be it**

**Resolved, that the Town Board of the Town of Ossining hereby authorizes the Receiver of Taxes to set up a payment plan in accordance with the Town Code with the owner of property located at 9-09 Nicole Circle, to satisfy all taxes, interest, penalties and fees due to the Town of Ossining; and be it further**

**Resolved, that based on the unique circumstances of this case, this arrangement shall not set a precedent with how future cases are handled.**

**Motion Carried: Unanimously**

**VI. CORRESPONDENCE TO BE RECEIVED AND FILED**

**Councilmember Harter moved and it was seconded by Councilmember Tawil that the following be approved:**

- **May 25, 2011 Minutes of the Town Planning Board.**

**Motion Carried: Unanimously**

**VII. VISITOR RECOGNITION**

**Supervisor Borgia announced that fireworks will be held on July 1 at the Louis Engel Park with music at 7 p.m. and the fireworks at 9:15 p.m. The Mary Sawyer Garden Award will be given out that evening as well.**

**Councilman Harter recommended that you get there early and park high and then walk down to the park.**

**VIII. ADJOURNMENT**

**At 8:11 P.M. Councilmember Tawil moved and it was seconded by Councilmember Wilcher that the meeting be adjourned in memory of Jillisa Jannon McCarthy**

**Approved:**

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**Mary Ann Roberts, Town Clerk**